IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 6267 of 2000

Between:

Surappa Cheruvu Balaheenavargamula Vyavasaya Coolisangam, Vakatippa, Regd.No.238/83, rep. by its President Pilli Tirupati Rao, Vakatippa, U. Kothapalli Mandal, E.G.District.

..... PETITIONER

AND

1 The District Collector, Panchayat Wing, E.G.District, Kakinada.
2 The Executive Engineer, Panchayat Raj, NFCL Road, Kakinada, E.G.District.
3 The Dy. Executive Engineer, Panchayat Raj, NFCL Road, Kakinada,

E.G.District.
4 The Revenue Divisional Officer, Kakinada, E.G.District.
5 The Mandal Revenue Officer, U. Kothapalli Mandal, E.G.Dist.
6 Rao Chinna Rao, ZPTC Member, U. Kothapalli Mandal, E.G.Dist.
7 Ch. Gopala Raju S/o Vijaya Rama Raju
R/o.Kakinada

(R7 is impleaded as per court order dt.9/5/2000 in WPMP 10294/2000)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned action of the respondents in initiating proceedings for converting the lands situated in initiating proceedings for converting the lands situated in Sy.No.8/2 under Surappa Cheruvu situated in Vakatippa village, U. Kothapalli Mandal, E.G.District where the petitioners have raised crops and trees into a water tank as highly illegal, arbitrary and violative of Art.14 and 21 of the Constitution of India, apart from contrary to the provisions of the A.P. Panchayat Raj Act and consequently direct the respondents not to convert the existing

cultivable lands in Sy.No.8/2 at Vakatippa village, U. Kothapalli Mandal into water tank.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for respondents 1 to 6: G.P. for Panchayat Raj

Counsel for the Respondent 7: MR.NUTY RAM MOHAN RAO

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.6267 OF 2000

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ORDER:

The petitioner is a society registered under the Societies Registration Act, 1860. All its members are poor persons, who occupied Surappa tank in Survey No.8/2. As the said tank admeasuring Acs.35.00 was allegedly defunct, the members of the petitioner society were cultivating the land raising vegetables and fruit bearing trees. They also made representations in 1987 and 1988 to respondents 1, 4 and 5 seeking grant of pattas, in vain. While their applications are pending, the petitioner society, having learned that respondents are taking steps to construct a surface water storage tank, filed the present writ petition seeking a declaration that such action of the respondents is illegal and arbitrary.

Though this Court passed interim orders staying all further proceedings on 07.04.2000, subsequently the same was vacated. Be that as it is, when the matter was called for hearing, the learned counsel for contestant respondents submit that the construction of the surface water storage tank was completed in July, 2002 and the tank is being used to supply the water to sixteen Gram Panchayats consisting of fifty four Habitations of U.Kothapalli Mandal covering seventy thousand people. It is also stated that some of the members of the petitioner society filed a suit being O.S.No.31 of 1994 on the file of the Court of the Subordinate Judge, Pithapuram against District Collector, for permanent injunction, which was dismissed on 04.12.1997. In that view of the matter, no relief can be granted to the petitioner society. However, in view of the fact that petitioner is espousing the cause of landless poor persons, liberty is given to the petitioner to make a representation to the District Collector on behalf of all its members for assignment of agricultural land. Such application may be considered keeping in view the assignment Rules, if any vacant waste land is available in the village.

The writ petition, with the above observations, is disposed of.

(V.V.S.RAO,J)

21.09.2004.

pln

To

1. The District Collector, Panchayat Wing, E.G.District, Kakinada.
2. The Executive Engineer, Panchayat Raj, NFCL Road, Kakinada, E.G.Dist.
3. The Deputy Executive Engineer, Panchayat Raj, NFCL Road, Kakinada, E.G.District.
4. The Revenue Divisional Officer, Kakinada, E.G.District.
5. The Mandal Revenue Officer, U.Kothapalli Mandal, E.G.District.
6. 2 CCs to the G.P. for Panchayat Raj, High Court Buildings, Hyderabad (OUT).
7. 2 CD copies.